

Oct-10-1989 RECORDER=rb

19891010

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, OCTOBER 10, 1989
AT 2:00 P.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Deputy Mayor Judy McCarty at 10:28 a.m. The meeting was recessed by Deputy Mayor McCarty at 11:30 a.m. to reconvene the meeting at 2:00 p.m.

The meeting was reconvened by Deputy Mayor McCarty at 2:00 p.m. A quorum was present at 2:10 p.m. with Mayor O'Connor and Council Members McColl, Henderson and Filner not present. Deputy Mayor McCarty recessed the meeting at 2:13 p.m. to convene the Special Joint City Council/Redevelopment Agency Meeting. The meeting was reconvened at 2:15 p.m. with Mayor O'Connor and Council Members McColl, Henderson and Filner not present. The meeting was adjourned at 2:21 p.m. by Deputy Mayor McCarty.

ATTENDANCE DURING THE MEETING:

- (M) Mayor O'Connor-excused by R-274739
(to attend to other official City business)
- (1) Council Member Wolfsheimer-present
- (2) Council Member Roberts-present
- (3) Council Member McColl-present
- (4) Council Member Pratt-present
- (5) Council Member Struiksma-present
- (6) Council Member Henderson-excused by R-274630
(City business in Washington, D. C. re sewage)
- (7) Council Member McCarty-present
- (8) Council Member Filner-excused by R-274677
(City business in Washington, D. C. re sewage)
- Clerk-Abdelnour (rb, tm)

FILE LOCATION: MINUTES

Oct-10-1989 RECORDER=rb

ITEM-1: ROLL CALL

Clerk Abdelnour called the roll:

- (M) Mayor O'Connor-not present
- (1) Council Member Wolfsheimer-present
- (2) Council Member Roberts-present
- (3) Council Member McColl-present
- (4) Council Member Pratt-present
- (5) Council Member Struiksma-present
- (6) Council Member Henderson-not present
- (7) Council Member McCarty-present
- (8) Council Member Filner-not present

Oct-10-1989 RECORDER=rb

ITEM-10: INVOCATION

Invocation was given by Pastor Garold Murrow, of the
Mira Mesa Christian Church.

FILE LOCATION: MINUTES

Oct-10-1989

RECORDER=rb

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member
Struiksma.

FILE LOCATION: MINUTES

Oct-10-1989 RECORDER=rb

ITEM-30: CONTINUED TO OCTOBER 16, 1989

Three actions relative to commendation of the Skyline
Recreation Center Staff:

(Skyline/Paradise Hills Community Area. District-4.)

Subitem-A: (R-90-469)

Commending the Skyline Recreation Center staff for their
brave and exemplary behavior in the performance of their
jobs by preventing loss of life and/or serious injury to

the public; expressing the deepest appreciation and gratitude to Stacy McKenzie, Dwight Magee, Anthony Hampton, Sondra Harrison, Gary Chambers, Stephanie Hill and Annette Bell, for exhibiting and performing a high standard of public service and dedication to the people of San Diego.

Subitem-B: (R-90-521)

Expressing the deepest appreciation and gratitude to Dwight Magee for exhibiting and performing a high standard of public service and dedication to the people of San Diego.

Subitem-C: (R-90-522)

Expressing the deepest appreciation and gratitude to Sondra Harrison for exhibiting and performing a high standard of public service and dedication to the people of San Diego.

CITY MANAGER SUPPORTING INFORMATION: On Friday, August 11, 1989, at approximately 3:15 p.m., two rival gangs began firing shots at each other at Skyline Community Park. Seventy-five children participating in a recreation program were in the area of the gun fire. Recreation center staff: Center Director, Stacy McKenzie, Recreation leaders, Dwight Magee, Anthony Hampton, Sondra Harrison, Gary Chambers, Stephanie Hill and Annette Bell, all began moving the children inside the recreation building at the onset of the altercation between the gangs. Staff immediately called for police assistance. All of the children had been moved to safety except one remaining boy. Dwight Magee went out to get the boy and in doing so, was shot in the abdomen. He managed to get back into the building where staff administered first aid until paramedics arrived. Sondra Harrison was also injured in the incident as she was moving children out of danger.

FILE LOCATION: --

COUNCIL ACTION: (Tape location: A074-083.)

MOTION BY PRATT TO CONTINUE TO OCTOBER 16, 1989, SO THAT THE RECIPIENTS MAY BE PRESENT. Second by Struiksma. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-not present, McCarty-yea, Filner-not present, Mayor O'Connor-notpresent.

Oct-10-1989 RECORDER=rb

ITEM-50: CONTINUED TO OCTOBER 16, 1989

Two actions relative to the Hillside Review Overlay Zone and rezoning properties within the Clairemont Mesa Community:

(Clairemont Mesa Community Area. Districts-5 and 6. Introduced as amended on 9/26/89. Council voted 7-0. Districts 1 and 4 not present.)

Subitem-A: (O-90-45)

Amending Chapter X, Article 1, Division 4, of the San Diego Municipal Code by amending Section 101.0454 relating to the HR (Hillside Review) Overlay Zone.

Subitem-B: (O-90-46)

Incorporating various properties within the Clairemont Mesa Community Plan Area into the Community Plan Implementation Overlay Zone (CPIOZ), Institutional Overlay Zone (IOZ), Hillside Review Overlay Zone (HR), Open Space (OS-P and OS-R), R1-40000, R1-15000, R1-5000, R-1500, R-2000, R-1000, CN, CV, CO, C-1, M-IP and M-1A Zones, as associated with an update of the 1970 Clairemont Mesa Community Plan and with implementation of that update.

FILE LOCATION: SUBITEM-A:--; SUBITEM-B: LAND - CLAIREMONT
MESA COMMUNITY PLAN

COUNCIL ACTION: (Tape location: A095-120.)

MOTION BY ROBERTS TO CONTINUE TO OCTOBER 16, 1989, AS REQUESTED BY COUNCIL MEMBER HENDERSON. Second by Pratt. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-not present, McCarty-yea, Filner-not present, Mayor O'Connor-not present.

Oct-10-1989 RECORDER=rb

* ITEM-51:

Four actions relative to amending the Fiscal Year 1990 Salary Ordinance to create new classifications:
(See memorandum from Personnel Director, Rich Snapper, dated 9/12/89.)

Subitem-A: (O-90-59) INTRODUCED, TO BE ADOPTED ON
OCTOBER 30, 1989

Introduction of an Ordinance amending Ordinance O-17305 (New Series), as amended, entitled "An Ordinance Establishing a Schedule of Compensation for Officers and Employees of the City of San Diego for the Fiscal Year 1989-90" by amending Exhibit B to create and add a new class entitled "Pool Technician" in the Equipment Maintenance Occupation Group; amending Exhibit A-1 of the Ordinance to provide a new salary rate number 73.7 for the position in the Classified Service; amending Resolution R-273664 to place the newly created class in the maintenance and labor representation unit; and amending Resolution No. R-273663 to approve and declare the above newly created class as eligible for premium rate overtime by placing it in Group A of the overtime eligibility Resolution R-273663.

Subitem-B: (O-90-60) INTRODUCED, TO BE ADOPTED ON OCTOBER 30, 1989

Introduction of an amending Ordinance O-17305 (New Series), as amended, entitled "An Ordinance Establishing a Schedule of Compensation for Officers and Employees of the City of San Diego for the Fiscal Year 1989-90" by amending Exhibit B to create and add a new class entitled "Pool Technician Supervisor" in the Equipment Maintenance Occupation Group; amending Exhibit A-1 of the Ordinance to provide a new salary rate 73.8 for the position in the Classified Service; amending Resolution R-273664 to place the newly created class in the Supervisory Representation Unit; and amending Resolution No. R-273663 to approve and declare the above newly created class as eligible for premium rate overtime by placing it in Group B of the overtime eligibility Resolution R-273663.

Subitem-C: (O-90-61) INTRODUCED, TO BE ADOPTED ON OCTOBER 30, 1989

Introduction of an Ordinance amending Ordinance O-17305 (New Series), as amended, entitled "An Ordinance Establishing a Schedule of Compensation for Officers and Employees of the City of San Diego for the Fiscal Year

1989-90" by amending Exhibit B to create and add a new class entitled "Fire Protection Engineer" in the Engineering Occupation Group; amending Exhibit A-1 of the Ordinance to provide a new salary rate 45.7 for the position in the Classified Service; amending Resolution

R-273663 to approve and declare the above newly created class as eligible for regular rate overtime by placing it in Group C of the Overtime Eligibility Resolution R-273663.
Subitem-D: (O-90-62) INTRODUCED, TO BE ADOPTED ON
OCTOBER 30, 1989

Introduction of an Ordinance amending Ordinance O-17305 (New Series), as amended, entitled "An Ordinance Establishing a Schedule of Compensation for Officers and Employees of the City of San Diego for the Fiscal Year 1989-90" by amending Exhibit B to create and add a new class entitled "Supervising Disposal Site Representative" in the Clerical Occupation Group; amending Exhibit A-1 of the Ordinance to provide a new salary rate 92.0 for the position in the Classified Service; amending Resolution R-273664 to place the newly created class in the supervisory representation unit; and amending Resolution R-273663 to approve and declare the above newly created class as eligible for premium rate overtime by placing it in Group B of the Overtime Eligibility Resolution R-273663.

FILE LOCATION: --

COUNCIL ACTION: (Tape location: A235-241.)
CONSENT MOTION BY McCOLL TO INTRODUCE. Second by Struiksma.
Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-not present, McCarty-yea, Filner-not present, Mayor O'Connor-not present.

* ITEM-100: (R-90-638) ADOPTED AS RESOLUTION R-274511

Declaring the results of the Municipal Primary Election held in the City of San Diego on Tuesday, September 19, 1989.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A242-250.)
CONSENT MOTION BY STRUIKSMA TO ADOPT. Second by Roberts.
Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-not present, McCarty-yea, Filner-not present, Mayor O'Connor-not present.

* ITEM-101: (R-90-198) ADOPTED AS RESOLUTION R-274512

Awarding a contract to Transcontinental Sales Company for furnishing wildland brush clothing, as may be required for a period of one year beginning November 1, 1989 through October 30, 1990, with an option to renew the contract for two additional one-year periods, with a price escalation not to exceed 10 percent of prices in effect at the end of the prior year, for an estimated cost of \$115,376.12, including tax and terms. (BID-F0956/90)

FILE LOCATION: MEET CONT FY90-1

COUNCIL ACTION: (Tape location: A242-250.)

CONSENT MOTION BY STRUIKSMA TO ADOPT. Second by Roberts.

Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-not present, McCarty-yea, Filner-not present, Mayor O'Connor-not present.

* ITEM-102: (R-90-197) ADOPTED AS RESOLUTION R-274513

Accepting the low bid of \$38,883.20 and awarding a contract to Benny Wright Backhoe for Construction of the Alley Blk. 53, Fairmount Addition Storm Drain; authorizing the City Manager, if circumstances warrant, to finance or refinance this project with tax exempt securities; authorizing the expenditure of \$10,800 from Capital Outlay Fund 30245, CIP-17-003, Annual Allocation - Seepage Problems, to supplement funds previously authorized by Resolution R-274166, adopted on August 7, 1989, for said project and related costs; authorizing the Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-0618/89A)
(Mid-City Community Area. District-3.)

CITY MANAGER SUPPORTING INFORMATION: The existing storm drain system in the alley between 45th Street and Chamoune Avenue, north of Polk Avenue, is inadequate to discharge the existing flow. This project will construct an 18-inch drain and associated structures, and will eliminate the potential for private property damage and the formation of hazardous traffic conditions. Twelve bid packages were issued and four bids were received. The low bid was in the amount of \$38,883.20, which is 29.6 percent over the City's estimate of \$30,000. Since this is the second time the project has been advertised, it is the opinion of the City staff that readvertising this project will

not stimulate greater bidder interest and result in a lower bid,
but would rather delay this project which should be constructed
now.

Aud. Cert. 9000335.

FILE LOCATION: CONT - BENNY WRIGHT BACKHOE CONT
FY90-1

COUNCIL ACTION: (Tape location: A242-250.)

CONSENT MOTION BY STRUIKSMA TO ADOPT. Second by Roberts.

Passed by the following vote: Wolfsheimer-yea, Roberts-yea,
McColl-yea, Pratt-yea, Struiksma-yea, Henderson-not present,
McCarty-yea, Filner-not present, Mayor O'Connor-not present.

* ITEM-103:

Three actions relative to the final subdivision map of the
Resubdivision of McMillin Scripps Three Unit No. 9, an
89-lot subdivision located northwesterly of Scripps Trail
and Semillon Blvd.:

(Scripps Miramar Ranch Community Area. District-5.)

Subitem-A: (R-90-543) ADOPTED AS RESOLUTION R-274514

Authorizing the execution of a Subdivision Improvement
Agreement with McMillin Scripps Two, for the installation
and completion of public improvements.

Subitem-B: (R-90-542) ADOPTED AS RESOLUTION R-274515

Approving the final map.

Subitem-C: (R-90-544) ADOPTED AS RESOLUTION R-274516

Approving the acceptance by the City Manager of a grant
deed of McMillin Scripps Two, granting to the City Lots A
and B of the Resubdivision of McMillin Scripps Three Unit
No. 9.

Subitem-D: (R-90-545) ADOPTED AS RESOLUTION R-274517

Terminating the Subdivision Improvement Agreement of
February 17, 1987; releasing Performance Bond No. 731 59
49, issued by The American Insurance Company, guaranteeing
the improvements in McMillin Scripps Three Unit No. 9.

CITY MANAGER SUPPORTING INFORMATION: On February 17, 1987,

the City of San Diego entered into a Subdivision Improvement Agreement (Document No. RR-267685) to assure the required public improvements for McMillin Scripps Three Unit No. 9. The property is now being re-subdivided and a new Subdivision Improvement Agreement is being entered into and a bond in the amount of \$1,200,469 has been posted to assure the work required for the final map of Resubdivision of McMillin Scripps Three Unit No. 9. It is now therefore necessary to terminate the existing agreement and release existing Bond No. 731 59 49 by the American Insurance Company in the amount of \$570,400.

FILE LOCATION: SUBITEMS-A,B,D: SUBD - McMILLIN SCRIPPS
THREE UNIT NO. 9; SUBITEM-C: DEED F-5064
CONT FY90-1, DEED FY90-1

COUNCIL ACTION: (Tape location: A242-250.)
CONSENT MOTION BY STRUIKSMA TO ADOPT. Second by Roberts.
Passed by the following vote: Wolfsheimer-yea, Roberts-yea,
McColl-yea, Pratt-yea, Struiksma-yea, Henderson-not present,
McCarty-yea, Filner-not present, Mayor O'Connor-not present.

* ITEM-104:

Five actions relative to the final subdivision map of
Nexus I-805, a 2-lot subdivision located southwesterly of
I-805 and Eastgate Mall:

(University Community Area. District-1.)

Subitem-A: (R-90-495) ADOPTED AS RESOLUTION R-274518

Authorizing the execution of a Subdivision Improvement
Agreement with Nexus Centre/I-805 for the installation and
completion of public improvements.

Subitem-B: (R-90-494) ADOPTED AS RESOLUTION R-274519

Approving the final map.

Subitem-C: (R-90-496) ADOPTED AS RESOLUTION R-274520

Authorizing the City Manager to set aside a portion of
City-owned land, being a portion of Pueblo Lot 1318;
dedicating said land as and for public streets and naming
the same Judicial Drive and Nexus Centre Drive.

Subitem-D: (R-90-497) ADOPTED AS RESOLUTION R-274521

Authorizing the execution of an agreement with Nexus Centre/I-805 for the acquisition of right-of-way for slope easement purposes in Pueblo Lot 1307.

Subitem-E: (R-90-498) ADOPTED AS RESOLUTION R-274522

Authorizing the execution of an agreement with Nexus Centre/I-805 for reimbursement of costs of public improvements; authorizing the expenditure of an amount not to exceed \$189,907.34 from CIP-39202, for the purpose of providing funds for the above project.

CITY MANAGER SUPPORTING INFORMATION: In addition to the standard Subdivision Improvement Agreement, the subdivider is entering into two other agreements. One is for the acquisition of off-site right-of-way for slope easement purposes adjacent to proposed Nexus Centre Drive. In order to satisfy Condition 6 of Tentative Map Resolution No. 5342, the subdivider is required to provide dedication as necessary to provide for 24 feet of paving, a three-foot graded shoulder, curb and sidewalk on the northerly side of proposed Nexus Centre Drive. The subdivider has been unable to acquire this property, and is entering into an agreement whereby the City will acquire it by negotiation or condemnation, if necessary. A deposit in the amount of \$30,000 has been made with the Property Department to cover the cost of acquisition and litigation costs, if necessary. The second agreement is a reimbursement agreement for construction of a 10-inch sewer main and 36-inch storm drain system in Nexus Centre Drive and Judicial Drive in an amount not to exceed \$189,907.34. The street improvement of Judicial Drive and Nexus Centre Drive from Eastgate Mall to the subdivision boundary is required to provide access to the subdivision and the water main is a requirement of this subdivision. However, the sewer main and storm drain systems are only needed to serve the adjacent property owned by the City (Eastgate Technology Center TM-82-0172). It is necessary to construct the storm drain and sewer main concurrently with the street improvements to avoid tearing up the new street and also to save construction costs when the City is ready to develop its property.
Aud. Cert. 9000307.

FILE LOCATION: SUBITEMS-A,B,D,E: SUBD - NEXUS I-805;
SUBITEM-C: DEED F-5065 CONT FY90-3,
DEED FY90-1

COUNCIL ACTION: (Tape location: A242-250.)

CONSENT MOTION BY STRUIKSMA TO ADOPT. Second by Roberts.

Passed by the following vote: Wolfsheimer-yea, Roberts-yea,
McColl-yea, Pratt-yea, Struiksma-yea, Henderson-not present,
McCarty-yea, Filner-not present, Mayor O'Connor-not present.

* ITEM-105: (R-90-528) ADOPTED AS RESOLUTION R-274523

19891010

Approving Parcel Map TM-88-0307, a two-parcel parcel map
located southeasterly of Leon Avenue and Saturn Boulevard.

(Otay Mesa-Nestor Community Area. District-8.)

FILE LOCATION: SUBD - Parcel Map TM-88-0307

COUNCIL ACTION: (Tape location: A242-250.)

CONSENT MOTION BY STRUIKSMA TO ADOPT. Second by Roberts.

Passed by the following vote: Wolfsheimer-yea, Roberts-yea,
McColl-yea, Pratt-yea, Struiksma-yea, Henderson-not present,
McCarty-yea, Filner-not present, Mayor O'Connor-not present.

* ITEM-106: (R-90-505) ADOPTED AS RESOLUTION R-274524

Resolution of Intention to acquire approximately 0.16 acres
of Mid-City Addition BH Extension for the San Diego
Open Space Park Facilities District No. 1.

(Mid-City Community Area. District-3.)

CITY MANAGER SUPPORTING INFORMATION: On November 21, 1983,
the Council approved a revised open space retention list and
gave direction on future open space appraisals for purposes of
acquisition. City staff has since been working with District
staff to meet the requirements of the Council directive. As
part of our ongoing efforts to acquire quality open space, the
availability of these parcels was reported to District 3.

Council Member McColl reviewed this parcel and recommended it be
acquired. This 0.16-acre parcel is a portion of Mid-City
Addition BH, Priority No. 68, in Category C of the
Council-approved open space retention list, located between
Highland Avenue and 44th Street, just north of Laurel Street.
Acquisitions in this system now total 11.6 acres. On June 12,
1989, Council approved the inclusion of this parcel into the
open space acquisition plan, along with funds to have it
appraised for purposes of acquisition for open space. This
request is for \$30,000 to purchase this parcel at fair market

value plus funds to cover title, escrow, and other miscellaneous

costs.

FILE LOCATION: STRT OS-36

COUNCIL ACTION: (Tape location: A242-250.)

CONSENT MOTION BY STRUIKSMA TO ADOPT. Second by Roberts.

Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-not present, McCarty-yea, Filner-not present, Mayor O'Connor-not present.

* ITEM-107: (R-90-527) ADOPTED AS RESOLUTION R-274525

Vacating the easterly excess portion of Carmel View Road adjacent to Parcel 2 of Parcel Map PM-15075, under the procedure for the summary vacation of streets and public service easements where the portion of street to be vacated is excess to the City's right-of-way needs and is no longer required for street or highway purposes; declaring that this resolution shall not become effective unless and until the filing of a consolidation map or other appropriate map to eliminate the landlocked parcels which will exist upon vacation of the rights-of-way; in the event that the map is not filed within one year, this resolution shall become void and be of no further force or effect; the City Engineer shall advise the City Clerk of the completion of the parcel map.

(North City West Community Area. District-1.)

CITY MANAGER SUPPORTING INFORMATION: The applicant has requested the vacation of the rectangular excess portion of Carmel View Road adjacent to Parcel Map PM-15075. The vacation area is located approximately 1,150 feet south of Carmel Grove Road on the easterly side of Carmel View Road. The vacated area is to be incorporated with the adjacent property for future development. The area-of-vacation is located in the North City West Community and totals 1,500 square feet. The vacation area is to be consolidated with the adjacent 7.17 acres to create a 7.2 acre site for multi-family residential use. Under the Precise Plan, this site is designated for a maximum of 100 multi-family units to be developed under the N-MF1 Zone, which has a ratio of 7-15 dwelling units per acre. The Planning Department has no objections to the proposed vacation, and the Planning Commission recommended approval of the vacation on

February 16, 1989, by a 6-0 vote. The area-of-vacation is excess right-of-way, beyond the standard ten-foot

curb-to-property-line distance. The right-of-way was granted to provide a temporary turnaround until Carmel View Road was extended northerly to Carmel Grove Road. Carmel View Road is currently improved to its ultimate curb-to-curb width. Existing improvements include full-width pavement, curbs, and gutters, with sidewalks along the westerly side of the right-of-way. Sidewalk construction will not be required at this time, since future development of the unimproved property will require installation of the necessary sidewalks. A consolidation parcel map is required to consolidate the vacation area with the adjacent property. Staff review has indicated that the excess right-of-way is no longer required for present or prospective public use and may be summarily vacated conditioned upon the approval and recordation of a consolidation parcel map.

FILE LOCATION: DEED F-5076; STRT J-2728 DEED FY90-1

COUNCIL ACTION: (Tape location: A242-250.)

CONSENT MOTION BY STRUIKSMA TO ADOPT. Second by Roberts.

Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-not present, McCarty-yea, Filner-not present, Mayor O'Connor-not present.

* ITEM-108: (R-90-564) ADOPTED AS RESOLUTION R-274526

A Resolution approved by the City Council in Closed Session on Wednesday, September 20, 1989 by the following vote: Wolfsheimer-not present; Roberts-yea; McColl-yea; Pratt-not present; Struiksma-not present; Henderson-yea; McCarty-yea; Filner-yea; Mayor-yea.

Authorizing the City Manager to pay the total sum of \$3,232,177.20 in partial settlement of each and every claim against the City of San Diego, its agents and employees, resulting from the personal injuries to Frances Maday, (Superior Court Case No. 597192, Frank Acitelli, et al. v. City of San Diego, et al.); authorizing the City Auditor and Comptroller to issue checks as follows:

A. The first check in the amount of \$141,473 made payable to Allstate Life Insurance Company of America.

B. The second check in the amount of \$2,800,000 made payable to Frank Acitelli and Florence Acitelli, as conservators of Frances Maday, and her attorney of record, Casey, Gerry, Casey, Westbrook, Reed and Hughes.

C. A series of twelve monthly checks in equal amounts of \$24,225.35 made payable to Frank Acitelli and Florence Acitelli, as trustees of Frances Maday, on the first of each month commencing on November 1, 1989. The twelve payments will total the amount of \$290,704.20.

This is a partial settlement of all claims against the City of San Diego by Frances Maday as a result of the incident of January 1, 1988. In Fiscal Year 1991 the City Council will appropriate \$6,336,769, payable to Allstate Life Insurance Company of America, for the purchase of an annuity providing for lifetime monthly payments to Frances Maday. The purchase of the annuity will constitute the complete settlement of the lawsuit and of all claims.

CITY MANAGER SUPPORTING INFORMATION: This is a partial settlement of all claims against the City of San Diego by Frances Maday as a result of the incident of January 1, 1988. In Fiscal Year 1991 the City Council will appropriate \$6,336,769, payable to Allstate Life Insurance Company of America, for the purchase of an annuity providing for lifetime monthly payments to Frances Maday. The purchase of the annuity will constitute the complete settlement of this matter.
Aud. Cert. 9000342.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A242-250.)

CONSENT MOTION BY STRUIKSMA TO ADOPT. Second by Roberts.
Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-not present, McCarty-yea, Filner-not present, Mayor O'Connor-not present.

* ITEM-109: (R-90-533) ADOPTED AS RESOLUTION R-274527

Authorizing the expenditure of an amount not to exceed \$35,000 from the Water Revenue Fund (41500)

for the purpose of providing funds for the clearing of City-owned property by the San Diego County Probation Department crews during Fiscal Year 1989; authorizing the expenditure of an amount not to exceed \$130,000 from the Water Revenue Fund (41500), for the purpose of providing funds for the clearing of City-owned property by the San Diego County Probation Department crews during Fiscal Year 1990.

CITY MANAGER SUPPORTING INFORMATION: The City of San Diego

has been utilizing the San Diego County Probation crews to clear City-owned land of fire hazards such as brush and excess vegetation since 1985. The City has been funding the use of County Probation crews for clearing Water Utilities properties by inclusion of the cost of the crews in the contractual services section of the Water Utilities Department's annual budget. Resolution R-89-2608 extended the agreement with the County of San Diego Probation Department to provide personnel to clear City-owned property for Fiscal Year 1989-1990. Document No. RR-269187, dated September 8, 1987, contains the terms and conditions of the current agreement. Resolutions authorizing the expenditure of \$35,000 from FY 89 budgeted funds and \$130,000 from FY 90 budgeted funds are required. Aud. Certs. 8901122 and 9000332.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A242-250.)

CONSENT MOTION BY STRUIKSMA TO ADOPT. Second by Roberts. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-not present, McCarty-yea, Filner-not present, Mayor O'Connor-not present.

* ITEM-110: (R-90-502) ADOPTED AS RESOLUTION R-274528

Authorizing Bank of America, as paying agent for the 1978 Open Space Park Bond, Series 82-A, to make payment no. 12 on the lost coupon from Bond No. 2533 maturing January 1, 2007, in the amount of \$250.

CITY MANAGER SUPPORTING INFORMATION: The City Treasurer's Office has been notified that one interest coupon representing interest payment number 12 for Bond No. 2533 for the 1978 San Diego Open Space Park Bond, Series 82-a (J-J), was

lost and has not been found. In order for the bank to make payment for the lost coupon, the City Council must authorize payment for the lost coupon. An indemnity agreement indemnifying the City against loss has been received (and a stop payment order on the coupon has been issued).

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A242-250.)

CONSENT MOTION BY STRUIKSMA TO ADOPT. Second by Roberts. Passed by the following vote: Wolfsheimer-yea, Roberts-yea,

McColl-yea, Pratt-yea, Struiksma-yea, Henderson-not present,
McCarty-yea, Filner-not present, Mayor O'Connor-not present.

* ITEM-111: (R-90-518) ADOPTED AS RESOLUTION R-274529

Authorizing the City Manager to issue a Request for
Proposal (RFP) for the development and operation of a
kiosk in Horton Plaza Park.

(See City Manager Report CMR-89-458. Centre City
Community Area. District-8.)

COMMITTEE ACTION: Reviewed by PFR on 9/27/89.

Recommendation to approve the City Manager's recommendation to
authorize issuance of the Request For Proposal (RFP). Districts
1, 5, 6 and 8 voted yea. District 7 not present.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A242-250.)

CONSENT MOTION BY STRUIKSMA TO ADOPT. Second by Roberts.

Passed by the following vote: Wolfsheimer-yea, Roberts-yea,
McColl-yea, Pratt-yea, Struiksma-yea, Henderson-not present,
McCarty-yea, Filner-not present, Mayor O'Connor-not present.

* ITEM-112: (R-90-360) ADOPTED AS RESOLUTION R-274530

Authorizing the execution of a second amendment to the
lease agreement with Boy Scouts of America, San Diego
County Council, for construction, operation and
maintenance of a Youth Aquatic Facility on Fiesta Island
in Mission Bay Park.

(See City Manager Report CMR-89-448. Mission Bay
Community Area. District-6.)

COMMITTEE ACTION: Reviewed by PFR on 9/27/89.

Recommendation to approve the City Manager's recommendation to
amend the flat rate lease. Districts 1, 5, 6 and 8 voted yea.
District 7 not present.

FILE LOCATION: LEAS - BOY SCOUTS OF AMERICA, SAN DIEGO
COUNTY COUNCIL LEAS FY90-1

COUNCIL ACTION: (Tape location: A242-250.)

CONSENT MOTION BY STRUIKSMA TO ADOPT. Second by Roberts.

Passed by the following vote: Wolfsheimer-yea, Roberts-yea,

McColl-yea, Pratt-yea, Struiksma-yea, Henderson-not present,
McCarty-yea, Filner-not present, Mayor O'Connor-not present.

* ITEM-113: (R-90-534) ADOPTED AS RESOLUTION R-274531

Authorizing the execution of a first amendment to the agreement of August 25, 1964 between the Cities of Del Mar and San Diego, for the furnishing of water treatment and transportation services.

(Scripps Miramar Ranch Community Area. District-5.)

CITY MANAGER SUPPORTING INFORMATION: On August 25, 1964, the Cities of Del Mar and San Diego entered into an agreement whereby the City of San Diego agreed to provide water treatment and transportation services to the City of Del Mar. Under this agreement, San Diego charges Del Mar annually for the water treatment and transportation services provided. However, the rate of charge can be adjusted only once every ten years. The adjustment must be based upon the actual maintenance costs incurred by San Diego and the ratio of water delivered to Del Mar and transported through San Diego transmission lines during the preceding three fiscal years. The Cities of Del Mar and San Diego desire to amend this agreement to provide for the timely

computation, adjustment, and accuracy of charges for water treatment and transportation services. This first amendment to the agreement states that: 1) the City of San Diego shall estimate the charges payable by Del Mar for water treatment and transportation services by April 1st of each year, 2) the City of Del Mar shall pay the estimated charges, 3) the City of San Diego shall determine the actual costs incurred and shall credit or charge the City of Del Mar for any over or underpayment of the estimated charges by October 1st of each year.

WU-U-90-031.

FILE LOCATION: MEET CONT FY90-1

COUNCIL ACTION: (Tape location: A242-250.)

CONSENT MOTION BY STRUIKSMA TO ADOPT. Second by Roberts.

Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-not present, McCarty-yea, Filner-not present, Mayor O'Connor-not present.

* ITEM-114: (R-90-532) ADOPTED AS RESOLUTION R-274532

Authorizing the execution of an agreement with Enartec

Consulting Engineers, Inc. for engineering services for the design of the Otay Mesa Reservoir; authorizing the expenditure of an amount not to exceed \$797,700 from Water Revenue Fund 41502, CIP-73-250, Otay Mesa Reservoir, for the purpose of providing funds for the above project.

(Otay Mesa Community Area. District-8.)

CITY MANAGER SUPPORTING INFORMATION: Engineering services for the Otay Mesa Reservoir, an FY 1990 CIP project intended to augment existing water supplies to the South Bay area, were requested on October 17, 1988. Of 16 letters of interest received, five firms were considered in the final selection process. In conformance with Council Policy 300-7, these firms were interviewed on January 17, 1989, and Enartec Consulting Engineers, Inc., was selected. The complexities of this project, and the desire to start work in early FY 1990, made it necessary to advertise for and interview prospective consultants well in advance of this Council action in order to negotiate the desired scope of work. The agreement provides for a predesign study, including the analysis, considering both hydraulic and environmental issues, of alternative reservoir

sites; the preparation of construction drawings, specifications, and cost estimates for construction and right-of-way, and full inspection during the construction phase. Enartec, an MBE firm, will perform 72 percent of the work. Subconsultants will perform 28 percent of the work, based on the following percentages: Atkinson, Johnson and Spurrier (15 percent); Design Engineering Consultants (one percent); Woodward Clyde Consultants (seven percent); Rick Engineering (three percent); RECON (one percent); and DEC (one percent). A five percent allowance is included for additional engineering services, if needed.

Aud. Cert. 9000319.

WU-U-90-007.

FILE LOCATION: MEET CCONT FY90-1

COUNCIL ACTION: (Tape location: A242-250.)

CONSENT MOTION BY STRUIKSMA TO ADOPT. Second by Roberts.

Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-not present, McCarty-yea, Filner-not present, Mayor O'Connor-not present.

* ITEM-115: (R-89-2655) ADOPTED AS RESOLUTION R-274533

Authorizing the execution of an agreement with SCS Engineers to prepare construction documents required to develop Phase II of the West Miramar Landfill; authorizing the expenditure of an amount not to exceed \$200,000 from CIP-37-056.0, West Miramar Refuse Disposal Facility Phase II, for the purpose of providing funds for the above agreement; authorizing the City Auditor and Comptroller to remit unexpended funds, if any, to the appropriate reserves upon advice of the administering department.

(Mira Mesa Community Area. District-5.)

CITY MANAGER SUPPORTING INFORMATION: Solid Waste Disposal Permits issued by the State of California and Land Use Agreements with the U.S. Navy for operation of a sanitary landfill for refuse disposal at the Miramar location in the north central portion of the City, provide for development of that landfill facility in modular phases. The development of

Phase II requires the construction of drainage facilities, roads, environmental safeguards, and miscellaneous other features within the westerly half of the overall site. This development program will assure conformance with the approved Waste Discharge Plan and provide compliance with the requirements set by existing permits and regulations. This agreement covers the design of these improvements and preparation of contract construction documents. Project construction efforts will be divided into separate contracts which are anticipated to have an approximate value of one million dollars each. The construction contracts will be awarded at one per fiscal year. The current Capital Improvements Program identifies development funds for the Phase II project in the amount of \$3,500,000. These funds are scheduled in annual segments, in amounts needed to correspond with estimated construction costs. These construction contracts are expected to complete the Phase II development and allow full utilization of that part of the facility. This project has proceeded through the consultant selection and interview process called for in Council Policy 300-7 and Administrative Regulation 25.60.

Aud. Cert. 9000032.

FILE LOCATION: MEET CCONT FY90-1

COUNCIL ACTION: (Tape location: A242-250.)

CONSENT MOTION BY STRUIKSMA TO ADOPT. Second by Roberts.

Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-not present, McCarty-yea, Filner-not present, Mayor O'Connor-not present.

* ITEM-116: (R-90-529) ADOPTED AS RESOLUTION R-274534

Approving Change Order No. 13, dated July 27, 1989, issued in connection with the contract with Chilcote, Inc., for the construction of the First San Diego River Improvement Project (FSDRIP), amounting to a net decrease in the contract price of \$35,187.62.

(Mission Valley Community Area. District-5.)

CITY MANAGER SUPPORTING INFORMATION: On June 23, 1987, the City Council awarded a construction contract for

\$20,800,000 to Chilcote, Inc., for the construction of the First San Diego River Improvement Project (FSDRIP). This flood protection project will construct an earthen channel with landscaping from State Route 163 to Stadium Way. Funding for construction, design consultants, and consultant services during construction is from an assessment district formed by the adjacent property owners. This change order reflects changes in bid quantities due to the simultaneous construction of Camino de la Reina street improvement at Mission Center Road and Camino del Este street improvement between the FSDRIP contractor and adjacent property developer.

FILE LOCATION: STRT D-2256

COUNCIL ACTION: (Tape location: A242-250.)

CONSENT MOTION BY STRUIKSMA TO ADOPT. Second by Roberts.

Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-not present, McCarty-yea, Filner-not present, Mayor O'Connor-not present.

ITEM-150: (R-90-526) ADOPTED AS RESOLUTION R-247535

Endorsing (in concept) the Draft San Diego-Oceanside Commuter Rail Study including station locations at Sorrento Valley, Miramar, Old Town, Santa Fe Depot and the Convention Center (evenings and weekend service).

(See City Manager Report CMR-89-419. Torrey Pines, University, Old San Diego and Centre City Community Areas. Districts-1, 2, 6, and 8.)

COMMITTEE ACTION: Reviewed by TLU on 9/11/89. Recommendation to approve the City Manager's recommendation to 1) Endorse SANDAG study and station locations subject to future design and environmental review, 2) Request SANDAG to examine the concerns of the U.S. Navy regarding the Miramar Station site, and 3) Coordinate with CCDC and City Departments to ensure that the Santa Fe Properties Development Agreement adequately accommodates Commuter Rail. Districts 2, 5 and 8 voted yea. Districts 1 and 4 not present.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A251-279.)
MOTION BY STRUIKSMA TO ADOPT. Second by McColl. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-not present, McCarty-yea, Filner-not present, Mayor O'Connor-not present.

ITEM-200: (O-90-18) CONTINUED TO NOVEMBER 14, 1989

(Continued from the meetings of September 11, 1989, Item 53, and September 25, 1989, Item 200; last continued at the City Manager's request, for further review.)
Adoption of an Ordinance amending Chapter 9, Article 5, Division 1, of the San Diego Municipal Code by amending Sections 95.0102, 95.0104, 95.0107, 95.0108, 95.0110, 95.0118, and by repealing Section 95.0123, all relating to Signs and House Numbers, to provide a full cost recovery program for enforcing the City's Sign Code Ordinance.
(Introduced on 7/31/89. Council voted 7-1. District 6 voted nay. District 2 not present.)
NOTE: See Item 201 on today's docket for a companion item.

FILE LOCATION: --

COUNCIL ACTION: (Tape location: A121-219.)
MOTION BY STRUIKSMA TO CONTINUE TO NOVEMBER 14, 1989, AS RECOMMENDED BY THE PLANNING DEPARTMENT FOR FURTHER REVIEW OF THE COSTS. Second by Pratt. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-not present, McCarty-yea, Filner-not

present, Mayor O'Connor-not present.

ITEM-201: (R-90-392) CONTINUED TO NOVEMBER 14, 1989

(Continued from the meetings of September 11, 1989, Item 205, and September 25, 1989, Item 201; last continued at the City Manager's request, for further review.)

Amending the Planning Department Schedule of Fees and Deposits to include a Sign Code Inspection Maintenance fee of \$12.75 annually for each sign requiring a permit.

PLANNING DEPARTMENT SUPPORTING INFORMATION: The proposed Sign Code Inspection Maintenance Fee of \$12.75 per sign, per year is necessary to fund full cost recovery for Sign Code Enforcement. Council action on July 31, 1989 accepted the Planning Department Report PDR-89-394 and introduced amendments necessary to implement a cost recovery program for Sign Code Enforcement. This fee is based upon current estimates of 16,000 businesses using 34,000 to 40,000 signs. Using a mid range of 37,000 signs at \$12.75 per sign, this would generate \$471,750 short of the \$485,111 for full cost recovery. If, however, the number of signs exceeds 38,000, full cost recovery would be achieved. Delinquent charges are proposed at \$25 after the first 20 days. Unpaid fees will be carried over to the following year.

NOTE: See Item 200 on today's docket for a companion item.

FILE LOCATION: --

COUNCIL ACTION: (Tape location: A120-219.)

MOTION BY STRUIKSMA TO CONTINUE TO NOVEMBER 14, 1989, AS RECOMMENDED BY THE PLANNING DEPARTMENT FOR FURTHER REVIEW OF THE

COSTS. Second by Pratt. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-not present, McCarty-yea, Filner-not present, Mayor O'Connor-not present.

ITEM-202: (R-90-279) ADOPTED AS RESOLUTION R-247536

(Continued from the meetings of September 11, 1989, Item 111, and September 25, 1989, Item 202; last continued at the City Attorney's request, to allow time to provide a legal opinion before Council takes action.)
Authorizing the execution of an amendment to the

Subdivision Improvement Agreement for Mah's Subdivision to provide for the substitution of Del Mar View Partners for Robert K. Mah, as subdivider; accepting Performance Bond No. 1461971, issued by Planet Insurance Company in the amount of \$454,860 as the surety for the required improvements in the subdivision; releasing

Assignment of Certificate of Deposit, No. 70731, in the amount of \$69,230.55; and Assignment of Certificate of Deposit, No. 0021698317, in the amount of \$60,000; and Irrevocable Letter of Credit, No. 885-0927, issued by Security Pacific Asian Bank, in the amount of \$250,000.

(North City West Community Area. District-1.)

CITY MANAGER SUPPORTING INFORMATION: On February 27, 1989 the City entered into an agreement with Robert K. Mah for the construction of public improvements for Mah's Subdivision. The agreement expires on February 27, 1991. The property is now owned by Del Mar View Partners, a California general partnership. The new owner has signed an amended agreement to assume all of the obligations of the original subdivider and complete the required work. The new subdivider has provided a performance bond in the amount of \$454,860 to assure the work.

FILE LOCATION: SUBD - MAH'S SUBDIVISION CONT FY90-1

COUNCIL ACTION: (Tape location: A284-345.)

MOTION BY McCOLL TO APPROVE STAFF RECOMMENDATION. Second by Pratt. Passed by the following vote: Wolfsheimer-nay, Roberts-yea, McColl-yea, Pratt-yea, Struiksmay-yea, Henderson-not present, McCarty-yea, Filner-not present, Mayor O'Connor-not present.

ITEM-330: (R-90-) CONTINUED TO OCTOBER 31, 1989 AT 2:00 P.M.

Appeal of James H. N. Hudnall, Jr. by Procopio, Cory, Hargreaves & Savitch and Althea D. Lucic, et al, for a hearing of an appeal from the decision of the Planning Commission in granting Coastal Development Permit CDP-89-0393 for the demolition of an existing single-family dwelling on Lots 2 and 3 and the construction of a new single-family dwelling unit consisting of 2,921 square feet of floor area to be located on one of the existing two lots (Lot 3). The subject property is located at 1447 Park Row and is further described as Lots 2 and

3, Block 47 of La Jolla Park, Map-352 in Zone R1-5000 within the La Jolla Community Plan Area.
(CDP-89-0393. District-1.)

Adoption of a Resolution granting or denying the appeal and granting or denying the permit, with appropriate findings to support Council action.

FILE LOCATION: PERM - CDP-89-0393

COUNCIL ACTION: (Tape location: C047-106.)

MOTION BY WOLFSHEIMER TO CONTINUE TO OCTOBER 31, 1989. Second by Roberts. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-not present, Pratt-yea, Struiksma-yea, Henderson-not present, McCarty-yea, Filner-not present, Mayor O'Connor-not present.

ITEM-331: RETURNED TO THE PLANNING DEPARTMENT

Proposal to amend the San Diego Municipal Code, Chapter X, Article 2, Division 5 (the Coastal Development Permit Ordinance). Proposed amendments would:

1. (Section 105.0204) - Clarify that improvements to any structure which involves the removal and/or replacement of more than fifty percent (50%) (in linear feet) of the existing exterior walls of the principal habitable floor shall require a coastal development permit.
2. (Section 105.0208) - Add a finding to require that all development approved pursuant to a coastal development permit will comply with the requirements related to biologically sensitive lands and significant prehistoric and historic resources as set forth in the Resource Protection Ordinance, Chapter X, Section 101.0462 of the San Diego Municipal Code.
3. (Section 105.0218) - Clarify that the California Coastal Commission shall be exclusively responsible for the issuance of an amendment or an extension of time to an existing coastal development permit which has been approved by the California Coastal Commission, regardless of jurisdictional boundaries governing applications for new coastal development permits.

The Coastal Development Permit Ordinance was adopted by the City Council on April 5, 1988, and became effective on October 17, 1988. The Coastal Development Permit Ordinance applies only to development within the coastal zone.

The proposed amendment constitutes an amendment to the

City of San Diego's Local Coastal Program (LCP). If approved by the City Council, the proposed LCP amendment

must be submitted to the California Coastal Commission for review and certification. The LCP amendment would not become effective until after approval by the California Coastal Commission.

(City-wide)

Subitem-A: (O-90-51 Corr.)

Introduction of an Ordinance amending the Municipal Code.

Subitem-B: (R-90-447)

Adoption of a Resolution amending the Local Coastal Program (LCP) and authorizing transmittal to the California Coastal Commission.

FILE LOCATION: - -

COUNCIL ACTION: (Tape location: C109-114.)

MOTION BY STRUIKSMA TO RETURN TO THE PLANNING DEPARTMENT.

Second by Roberts. Passed by the following vote:

Wolfsheimer-yea, Roberts-yea, McColl-not present, Pratt-yea, Struiksma-yea, Henderson-not present, McCarty-yea, Filner-not present, Mayor O'Connor-not present.

ITEM-S400: PROCLAIMED

Proclaiming October 8 through October 14, 1989 to be "Fire Prevention Week" in San Diego.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A045-073.)

* ITEM-S401: (R-90-575) ADOPTED AS RESOLUTION R-274537

Rejecting all bids received on September 6, 1989, and readvertising for bids for the Construction of Sail Bay Improvements - Phase III; authorizing the execution of a contract with the lowest responsible bidder.

(BID-0837/89A)

(Mission Bay Park Community Area. District-6.)

CITY MANAGER SUPPORTING INFORMATION: The bid opening for

the combined Sail Bay Development - Phase III and Mission Bay Sewage Interceptor System (MBSIS), Site 57 project was on September 6, 1989. One bid was received in the amount of \$1,613,365.65, which is 44.3 percent over the estimate of \$1,117,958. One additional bidder arrived late and the bid was not accepted. The Manager recommends rejecting the sole bid received and readvertising. One bid may not reflect the value of the work and readvertising will assure the benefit of competitive bidding.

Aud. Cert. 9000077.

WU-P-90-048.

FILE LOCATION: W.O. 119128/171151

COUNCIL ACTION: (Tape location: A242-250.)

CONSENT MOTION BY STRUIKSMA TO ADOPT. Second by Roberts.

Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-not present, McCarty-yea, Filner-not present, Mayor O'Connor-not present.

* ITEM-S402: (R-90-535) ADOPTED AS RESOLUTION R-274538

A Resolution approved by the City Council in Closed Session on Tuesday, May 16, 1989 by the following vote:
Wolfsheimer-yea; Roberts-yea; McColl-yea; Pratt-yea;
Struiksma-yea; Henderson-not present; McCarty-not present;
Filner-not present; Mayor-not present.

Authorizing the City Manager to pay the total sum of \$72,000 in the settlement of each and every claim against the City, its agents and employees, resulting from the personal injuries to Geri (Baker) Bray and Debra Michalek (United States District Court Case No. 86-0003-G (CM), Geri (Baker) Bray, et al. v. City of San Diego, et al.); authorizing the City Auditor and Comptroller to issue two checks: the first check in the amount of \$37,000, made payable to Geri (Baker) Bray and her attorney, Richard Castillo; and a second check in the amount of \$35,000, made payable to Debra Michalek and her attorney, Richard Castillo, in full settlement of the lawsuit and all claims.

CITY MANAGER SUPPORTING INFORMATION: This constitutes the complete and final settlement of the personal injury claims of Geri (Baker) Bray and Debra Michalek against the City of San Diego, its agents and employees, resulting from an incident which occurred on October 1, 1983.

Aud. Cert. 9000338.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A242-250.)

CONSENT MOTION BY STRUIKSMA TO ADOPT. Second by Roberts.

Passed by the following vote: Wolfsheimer-yea, Roberts-yea,
McColl-yea, Pratt-yea, Struiksma-yea, Henderson-not present,
McCarty-yea, Filner-not present, Mayor O'Connor-not present.

* ITEM-S403: (R-90-616) ADOPTED AS RESOLUTION R-274539

Authorizing the execution of an agreement with Larry Walker Associates, Inc. in resolution of Environmental Protection Agency final audits of Point Loma Accelerated Project Grants No. C-06-1092-520, C-06-1092-530 and C-06-1092-540; authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$46,350 from the Sewer Revenue Fund No. 41506, Unallocated Reserve No. 70679, to the Administrative Services 41500 Fund, Program 70610; authorizing the expenditure of an amount not to exceed \$46,350 from the Administrative Services 41500 Fund, Program 70610, for the above services.

(See City Manager Report CMR-89-482.)

Aud. Cert. 9000355.

WU-U-90-044.

FILE LOCATION: MEET CCONT FY90-1

COUNCIL ACTION: (Tape location: A242-250.)

CONSENT MOTION BY STRUIKSMA TO ADOPT. Second by Roberts.

Passed by the following vote: Wolfsheimer-yea, Roberts-yea,
McColl-yea, Pratt-yea, Struiksma-yea, Henderson-not present,
McCarty-yea, Filner-not present, Mayor O'Connor-not present.

ITEM-S404: (O-89-243 Rev.1) INTRODUCED, TO BE ADOPTED ON
OCTOBER 30, 1989

(Continued from the meeting of October 2, 1989, Item 51 at Council Member Henderson's request, to allow the City Attorney to come back with new language.)

Introduction of an Ordinance amending Chapter IX, Article 8, Division 1, of the San Diego Municipal Code, by repealing Sections 98.0115 through 98.0121; and adding new Sections 98.0120 through 98.0126 - relating to Abatement of Substandard Residential Structures, 98.0130

through 98.0143 - relating to Administrative Abatement Procedures, and 98.0150 - relating to Imminent Hazard - Summary Abatement.

NOTE: This item is being reintroduced today to incorporate amendments requested by the Council.

FILE LOCATION: --

COUNCIL ACTION: (Tape location: A351-376.)

MOTION BY McCOLL TO INTRODUCE. Second by Pratt. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-not present, McCarty-yea, Filner-not present, Mayor O'Connor-not present.

ITEM-S405:

Two actions relative to the grading of City Aero Drive Industrial Park:
(District-5.)

Subitem-A: (R-90-622) ADOPTED AS RESOLUTION R-274540

Approving the plans and specifications and authorizing the Purchasing Agent to advertise for bids for the grading of City Aero Drive Industrial Park.

Subitem-B: (R-90-623) ADOPTED AS RESOLUTION R-274541

Authorizing the City Manager to execute a contract with the lowest bidder; authorizing the expenditure of \$1,679,300 from CIP-39-052.0.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A420-B250.)

MOTION BY STRUIKSMA TO ADOPT THE CITY MANAGER'S RECOMMENDATION. Second by Roberts. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-not present, McCarty-yea, Filner-not present, Mayor O'Connor-not present.

ITEM-S406: (R-90-452) ADOPTED AS RESOLUTION R-274542

(Continued from the meetings of September 25, 1989, Item 118 and October 3, 1989, Item S501; last continued for

further review.)

Amending Resolution R-272101 by increasing the allocation of funds by \$250,000 for payment of legal fees and costs to Sullivan, Delafield, McDonald and Middendorf and Hetland and Hansen, for matters pertaining to the U.S. Grant Hotel; authorizing the City Auditor and Comptroller to transfer the sum of \$250,000 within the General Fund 100, from the Unallocated Reserve (605) to the Allocated Reserve (901); authorizing the expenditure of an amount not to exceed \$250,000 from the Allocated Reserve (901).

Aud. Cert. 9000282.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B251-257.)

MOTION BY PRATT TO ADOPT. Second by Roberts. Passed by the following vote: Wolfsheimer-nay, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-not present, McCarty-yea, Filner-not present, Mayor O'Connor-not present.

ITEM-S407: CONTINUED TO OCTOBER 16, 1989

(Continued from the meeting of October 2, 1989, Item 200, at Council Member Wolfsheimer's request, for further review of the reinvestment requirements.)

Three actions relative to Banking Service Agreements:

(See City Manager Report CMR-89-456.)

Subitem-A: (O-90-55)

First public hearing in the matter of:

An Ordinance amending Ordinance O-17326 (New Series), as amended, entitled "An Ordinance Adopting the Annual Budget for the Fiscal Year 1989-90 and Appropriating the Necessary Money to Operate the City of San Diego for said Fiscal Year" by amending Documents No. OO-17326-1 and No. OO-17326-2, as amended and adopted therein, by increasing the General Fund 100 Revenue Estimates by \$105,000; and directing the City Auditor and Comptroller to allocate the \$105,000 to the Treasurer's Department (052) for the purpose of funding Banking Service Contracts.

NOTE: See the docket of October 16, 1989 for the introduction and adoption of the ordinance.

Subitem-B: (R-90-467)

Adoption of a Resolution authorizing the execution of an agreement with the Bank of America to provide deposit and other optional banking services to the City of San Diego, together with reasonably necessary modifications or amendments which do not increase the agreement's scope

or cost, which the City Manager shall deem necessary to carry out the purposes and intent of the agreement.

Subitem-C: (R-90-468)

Adoption of a Resolution authorizing the execution of an agreement with Security Pacific National Bank to provide disbursement and other optional banking services to the City of San Diego, together with any reasonably necessary modifications or amendments which do not increase the agreement's scope or cost, which the City Manager shall deem necessary to carry out the purpose and intent of the agreement.

FILE LOCATION: --

COUNCIL ACTION: (Tape location: A377-385.)

MOTION BY PRATT TO CONTINUE ONE WEEK, OCTOBER 16, 1989, FOR FURTHER REVIEW. Second by Wolfsheimer. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-not present, McCarty-yea, Filner-not present, Mayor O'Connor-not present.

ITEM-S408: (R-90-626) CONTINUED TO OCTOBER 16, 1989

Waiving the payment of fees assigned for use of Balboa Park facilities, in the amount of \$3,170, for the Third Annual Kidzarts Festival, to be held at various sites throughout Balboa Park on October 14 and 15, 1989.

(See Committee Consultant Analysis PFR-89-10. Balboa Park Community Area. District-8.)

COMMITTEE ACTION: Reviewed by PFR on 9/27/89.

Recommendation to deny the request for a waiver of fees.

Districts 6, 7 and 8 voted yea. Districts 1 and 5 not present.

FILE LOCATION: --

COUNCIL ACTION: (Tape location: A386-409.)

MOTION BY ROBERTS TO CONTINUE TO OCTOBER 16, 1989, AS REQUESTED BY MAYOR O'CONNOR. Second by Pratt. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-not present, McCarty-yea, Filner-not present, Mayor O'Connor-not present.

ITEM-S409: (R-90-633) ADOPTED AS RESOLUTION R-274543

Co-sponsoring the Student Drug Awareness Congress program on Saturday, December 30, 1989, with the California-Nevada Moose Association.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A242-250.)

MOTION BY STRUIKSMA TO ADOPT. Second by Roberts. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-not present, McCarty-yea, Filner-not present, Mayor O'Connor-not present.

Oct-10-1989

ITEM-S410: CONTINUED TO OCTOBER 16, 1989

In the matter of the clarification of certain Council action taken by Resolution R-274001 on July 17, 1989, relative to water and sewer service and capacity charges and whether to exempt from such charges projects in designated redevelopment districts and SROs not within designated redevelopment districts, and to refer such issues regarding exemptions to the Public Services and Safety Committee for further consideration.

FILE LOCATION: --

COUNCIL ACTION: (Tape location: A084-094.)

MOTION BY ROBERTS TO CONTINUE TO OCTOBER 16, 1989, FOR FURTHER REVIEW. Second by Pratt. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-not present, McCarty-yea, Filner-not present, Mayor O'Connor-not present.

NON-DOCKET ITEMS:

None.

COUNCIL COMMENT:

None.

PUBLIC COMMENT:

None.

ADJOURNMENT:

By common consent, the meeting was adjourned by Deputy Mayor McCarty at 2:21 p.m.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A116).